

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

STANLEY R. PALOWSKY, III,
Individually, and on behalf of Alternative
Environmental Solutions, Inc.

Plaintiff

VERSUS

DANA BENSON and LOUISE BOND

Defendants

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CIVIL ACTION NO. 3:23-cv-760

JUDGE _____

MAGISTRATE JUDGE

NOTICE OF REMOVAL

NOW INTO COURT, through undersigned counsel, come Defendants, DANA BENSON and LOUISE BOND, who file this Notice of Removal pursuant to 28 U.S.C. §§ 1331 and 1441, *et seq.*:

1.

On May 16, 2023, a Petition for Declaratory Judgment and Damages was filed on behalf of Plaintiff, Stanley R. Palowsky, III, individually, and on behalf of Alternative Environmental Solutions, Inc., in the Fourth Judicial District Court for the Parish of Ouachita styled “*Stanley R. Palowsky, III, individually, and on behalf of Alternative Environmental Solutions, Inc. v. Dana Benson and Louise Bond*,” Docket No. C-20231723.

2.

According to the Petition for Declaratory Judgment and Damages, Plaintiff's suit arises from actions taken by Defendants, and other unnamed individuals to harm Plaintiff in "*Palowsky v. Cork*," Docket No. 13-2059 in the Fourth Judicial District Court for the Parish of Ouachita, a racketeering lawsuit. Plaintiff named Defendants in the State Court suit claiming they acted both alone and in concert under color of law to violate Plaintiff's constitutional right of due process and equal protection guaranteed by the 14th Amendment of the U.S. Constitution. Attached as Exhibit A is a complete certified copy of all pleadings currently filed in the suit record in the Fourth Judicial District Court, including a copy of all Notices of Service on Defendants.

3.

Upon information and belief, Dana Benson was served with a copy of the Petition and Citation issued by the Fourth Judicial District Court via personal service on or about May 18, 2023.

4.

Upon information and belief, Louise Bond was served with a copy of the Petition and Citation issued by the Fourth Judicial District Court via personal service on or about May 17, 2023.

5.

In Paragraph 6 of the Petition for Declaratory Judgment and Damages, Plaintiff alleges Defendant, Louise Bond, acted under color of law both alone and in concert to violate Plaintiff's constitutional rights to access court records.

6.

In Paragraph 13 of the Petition for Declaratory Judgment and Damages, Plaintiff alleges Defendant, Dana Benson, acted under color of law to violate Plaintiff's constitutional right to access court records.

7.

In Paragraph 28 of the Petition for Declaratory Judgment and Damages, Plaintiff seeks all damages and relief authorized by 42 U.S.C. § 1983.

8.

In Paragraph 30 of the Petition for Declaratory Judgment and Damages, Plaintiff reiterated demands for all damages and penalties available under 42 U.S.C. § 1983, including reasonable attorney fees, penalties and costs.

9.

Based on the allegations set forth in Plaintiff's Petition for Declaratory Judgment and Damages, Defendants show that this Honorable Court has original jurisdiction on the basis of Federal question under the provisions of 28 U.S.C. § 1331.

10.

Based on the above, the Defendants show this matter is properly removable to this Honorable Court pursuant to the provisions of 28 U.S.C. § 1441, *et. seq.*

11.

The Defendants show this Notice of Removable was timely filed pursuant to 28 U.S.C. § 1446, as it was filed within thirty (30) days from the date any Defendant, through service or otherwise, received a copy of the initial pleading setting forth the claim upon which Plaintiff's action is based.

12.

Removal to this District and Division is proper under 28 U.S.C. § 1441(a) because this District and Division embrace the Fourth Judicial District Court for the Parish of Ouachita, State of Louisiana.

13.

Pursuant to 28 U.S.C. § 1446(d), the Defendants will file a written Notice of Removal Action in the Fourth Judicial District Court for the Parish of Ouachita, State of Louisiana, and will attach this Notice of Removal as an exhibit to the State Court filing. The Defendants will also give written Notice of Removal of Action to Plaintiff through his counsel of record.

14.

The Defendants hereby remove this cause of action from the Fourth Judicial District Court for the Parish of Ouachita, to the United States District Court for the Western District of Louisiana for further disposition.

CERTIFICATE

I hereby certify that an exact copy of the above and foregoing has been served upon all counsel of record by placing the same in the United States Mail properly addressed and postage prepaid and/or through this Court's ECF system which may send a notice of electronic filing to counsel;

So certified this 7th day of June, 2023.

/s/ Lara A. Lane
OF COUNSEL

Respectfully submitted,

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